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THE G^E'ULLĀH IN THE BOOK OF RUTH.

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Though we are not definitely informed by the Old Testament on the connection of the G^e'ullāh with the Levirate, there can be little doubt that we have to assume a combination of the two for the oldest times.¹ Whenever it happened that a man died without leaving sons² or brothers, the Goël or next of kin became the heir of the deceased; part of the inheritance was the widow, and coupled therewith was the duty of the Levirate in order to raise up the name of the dead.³ As life became more complex, a reaction against this duty of the Levirate on the part of the Goël must have set in, so that the second step of the development was the restriction of the Levirate to the brothers of the deceased, making it thus a real brother-in-law-marriage. Gen., chap. 38, shows that the custom began to be felt as a burden even on the part of the brothers. How much more this must have been the case on the part of the Goël who was not so closely related to the deceased as the brother we can easily imagine. And so we see in Deuteronomy (25:5-10) that another restriction is made, the third step in the development. Only those brothers who have lived together with the deceased are bound to take upon themselves the duty of the Levirate. It goes without saying that the Levir was also the heir, the inheritance was always connected with the Levirate even to the latest phases of its development.

The passage in Deuteronomy is also important in that it shows that the brother is not under any legal obligation to marry the wife of his brother who has died without leaving children, he cannot be compelled by law, the obligation is merely moral, for

¹ The Old Testament is strangely silent on most of these ancient customs, in all probability because it was not thought necessary to treat matters known and observed by everyone.

² The regulations of the inheritance by daughters belong to a later age.

³ We learn from Gen., chap. 38, that not only the brothers, but also the father, of the deceased might be called upon to perform the duty of the Levir. The Goël is always the next-of-kin; if the son is living the son is the Goël; if the son is not living, but the brother, then the brother is the Goël; if neither son nor brother is living, then the relative who stands in the next closest blood-relationship.

we hear nothing of a fine or legal punishment. The punishment is the public shame: "his brother's wife shall come to him in the presence of the elders, and loose his shoe from off his foot, and spit in his face; and she shall answer and say, So shall it be done unto the man that doth not build up his brother's house. And his name shall be called in Israel, The house of him that hath his shoe loosed" (25:9, 10). This is, of course, not merely a public humiliation of such a brother. The loosening of the shoe means that he has to forego his right of inheritance, that he cannot be the heir, if he refuses to marry his brother's wife and build up his brother's family, for the right of inheritance is always connected with the Levirate.⁴ This restriction of Deuteronomy had much to do with the final abrogation of the Levirate, though naturally other reasons were also operative. The final step was taken by Leviticus (20:21): "If a man take his brother's wife, it is impurity."

We have thus four steps in the development of the Levirate in connection with the G^e'ullāh: (1) the Goël, whether brother or more distant blood relative, must marry the widow of his kinsman, whose heir he becomes; (2) only brothers are required to perform the duties of the Levirate; (3) only such brothers as have lived together with the deceased; (4) no brother is allowed to take his brother's wife.

Now, in the book of Ruth we have a stage of the G^e'ullāh which, according to the above sketch, is not only not post-exilic, but even pre-deuteronomic; in fact, we face here the oldest stage of the G^e'ullāh, the Goël who has neither lived together with the deceased, nor is a brother, being obliged, not legally, it is true, but morally, to take Ruth as his wife "to raise up the name of the dead."⁵ The obligation of the Levirate is still connected with the G^e'ullāh.

⁴ The essence of the Levirate consists in raising seed for the childless brother. It seems that the connection with the ancient ancestor worship explains the Levirate best of all. The deceased would have to forego the cult if no male descendant of his would take it up, only males being "*kultfähig*."

⁵ It should be noticed that the other Goël does by no means deny the obligation of marrying Ruth which rests on him if he buys the inheritance. But it should also be noticed that he is not compelled by any law to do either. It is evident that he looks upon the buying of the land as a privilege, as does also Boaz, much more than as a duty. By putting off his shoe he gives, so to speak, documentary attestation that he is willing to forego his privilege, i. e., his privilege of buying the land. Here it is the act of his own free will. In Deuteronomy, where the case is not altogether the same, though the ceremony of the putting off of the shoe means, of course, essentially the same thing here as there, the act is not that of his own free will; he is compelled to give up his right of inheritance.

Just here we meet, however, a serious difficulty. The Goël has here to *buy* the inheritance and with the inheritance he buys the widow. This is manifestly altogether out of accord with the fundamental conceptions of inheritance and Levirate. The heir does not buy his inheritance, nor would the Levir, who is always the heir, buy it; he enters into the place of the deceased by virtue of his blood relationship, and not because he buys this right, which is coupled with obligations.⁶ But it will be said that we have here a somewhat more complicated case, where the law of Lev. 25:25 applies: "If thy brother be waxen poor, and sell some of his possession, then shall his kinsman that is next unto him come, and shall redeem that which his brother hath sold." The Goël has to *buy* his inheritance, simply because Naomi had sold it in dire need! In getting thus into the possession of the ground he is, however, not simply doing what the Goël in Lev., chap. 25, does, but more, he is falling heir to the entire inheritance, Ruth included; for "What day thou buyest the field of the hand of Naomi, thou buyest also Ruth the Moabite, the wife of the dead," 4:5. Read with Bertholet, Nowack, *et al.*, וגם את רות instead of ומאת רות.

As the text stands it is certain that the law of Lev., chap. 25, is to be applied, for we are distinctly told in 4:3 that Naomi *hath sold* (מָכְרָה) her possession, that it is no longer in her hand. But does not the following verse (4:5) show that the punctuation of מְכִירָה is not correct? According to it the field is still in Naomi's hand,⁷ for the Goël has to buy it (מִיַּד נָעֲמִי) out of the hand of Naomi. We have therefore to punctuate מְכִירָה, Naomi is about to sell or is offering for sale. The punctuators had in mind the regulation of Lev., chap. 25, and thought the field must have been sold already, that the Goël must redeem it and thus restore the ground to the family of which he is part. That the nearest kinsman had the right (as well as the obligation) to buy the land before it goes into strange hands, they may not have thought of. But that this was so, we see plainly from Jer. 32:7 *sqq.*, where Jeremiah buys the property of his relative in order that it might not be sold to strangers and thus be lost to the family.

⁶ Incidentally it may be noticed that an interesting light on the custom of inheritance is shed in the book of Ruth. When Elimelech died, his sons became, of course, his heirs. Which of the two was the firstborn we do not know, and it does not matter much, since neither came into the possession of the heritage at Bethel. After the sons died childless, the inheritance reverts to their widowed mother, not to their wives. Compare below.

⁷ In spite of Bertholet's ingenious explanation, which has been accepted by Nowack.

But if this argument for the punctuation of מִכְרָה is correct, then we are again facing the difficulty that the Goël has to *buy* the field and take upon himself the duty of the Levirate. Now, we cannot evade the difficulty by saying that קנה does not mean here "buy or purchase," but to get possession of, for the מכר plainly forbids this. The idea of the buying is so woven into the text that it cannot be regarded as a later element. That the Goël should have to buy the land might, however, be justified by the exceptional position in which Naomi is; that he should be even glad to do so may be intelligible on the consideration that he would not have obtained anything of the inheritance, in all probability, if he had not bought it, for, on the face of it, Naomi would never again come into such prosperous circumstances as to redeem it. We may go one step further: it is even intelligible that the Goël bought Ruth in addition or rather together with the buying of the land. The wife is regarded as property. But that he should have *bought* the land and the wife and then taken upon himself the duty of the Levirate is plainly asking too much.

It is claimed, *e. g.*, by Bertholet and Nowack, that the author did not any longer understand the custom of the Levirate, and thus mixed up some things which did not originally belong together. But 1:11, 12 shows very plainly that he did understand it, for Naomi says there:

Have I yet sons in my womb, that they may be your husbands? Turn again, my daughters, go your way, for I am too old to have an husband. If I should say, I have hope, if I should even have an husband tonight, and should also bear sons; would ye therefore tarry till they were grown? Would ye therefore stay from having husbands?

Naomi, according to these verses, knows the Levirate, and even in the advanced stage where it is only a brother-in-law-marriage. The writer of the story knows perfectly well what the Levirate is, and according to him no Levirate marriage takes place. Boaz buys and marries Ruth, but does not build up the house of the dead, but his own house. And this raising seed for the dead is after all the essential point of the Levirate.⁸ It is certainly note-

⁸ Driver, *L. O. T.*⁸, 454, distinguishes the "marriage on the part of the next of kin with a widow left childless" from the Levirate marriage. As reason he gives, "Boaz is not Ruth's brother-in-law." But Nowack has rightly replied, "Das ist richtig, aber damit lässt sich doch nicht leugnen, dass die hier vorliegende Verwandtenehe auf derselben Linie liegt wie die Leviratehe und denselben Zweck verfolgte wie diese, ist doch auch Juda Gen. 38 nicht der Thamar Schwager, und doch zweifelt Niemand, dass die von Juda verweigerte und schliesslich erzwungene Gemeinschaft mit dem Levirat in engstem Zusammenhang steht." (*Handkommentar zum Alten Testament*, Richter, Ruth und Bücher Samuels, p. 183.) Compare also the remarks at the beginning of this paper.

worthy that Naomi does not even hint at the idea that Boaz is obliged to the Levirate because he is the Goël; she simply knows that he is obliged to help them by marrying Ruth. That she should not have thought of it, is impossible in the light of 1:11,12.

In a paper on "Die Leviratehe im Buche Ruth," in the *Theologische Studien und Kritiken*, 1903, Heft 2, I have come to the conclusion that the Levirate idea is not an original part of the book of Ruth, and at this point of the present investigation, which has started from a different point and proceeded along different lines and employed different arguments, I have again come upon the difficulty occasioned by it, and again I suggest that it is not in harmony with the original composition of the book, but a later element suggested by the ancient ceremony referred to in 4:7, which occurs in the entire Old Testament only once more in connection with the Levirate, Deut. 25:5-10.

Hence the G^oulläh in the book of Ruth is originally not connected with the Levirate. The Goël has the right and duty to redeem his deceased kinsman's property, including wife, but he has not the obligation of the Levirate marriage.

There is, however, one objection to be considered. It might be said that in this case it is not plain why the other Goël was at first willing to perform the part of the kinsman, but did not wish to do it when he heard that he had to take Ruth also; his reason, "lest I mar mine own inheritance," has only meaning if he refers to the Levirate. But Bertholet, who does not take the view represented in this note, has already pointed out that it is in all probability "lediglich Egoismus, was den Goël bestimmt, seine erste Aussage zurückzunehmen. . . . Im Ganzen genommen spielt er neben Boas eine ähnliche Rolle wie Orpa neben Ruth" (in Marti's *Kurzer Handkommentar*, *ad loc.*). The last statement hits the mark better than any of the other more or less ingenious explanations. The Goël's excuse is really no valid reason. But suppose it is a real reason. Is it less valid on the hypothesis that the Goël need not enter a Levirate marriage than on the opposite theory? Nowack explains, "er fürchtet durch die ihm entstehende Ausgabe, die schliesslich einem andern zu gut kam, sein eignes Erbe zu schädigen" (*Handkommentar*, *ad loc.*). But it might be just as reasonable to assume with the Targum (*cf. apud* Bertholet) that the Goël was already married, and to assume that he did not wish to mar his inheritance by this

second marriage.⁹ No valid objection can therefore be drawn from the reason which the Goël gives.

We are fortunate in having a test by which to control the correctness of our view of the G^e'ullāh. We saw at the beginning that the combination of the G^e'ullāh with the Levirate was one of the most ancient, if not the most ancient stage of the G^e'ullāh, and that the right of inheritance was always involved in the Levirate. Now, in this book of Ruth we have a very late mode of inheritance. In those ancient times, when the Goël became also the Levir, the inheritance fell to the next male kinsman, if there was no son or brother. Here, however, the inheritance has fallen to Naomi; she is in possession of it and controls it just as if she were a man. It is agreed that the law concerning the inheritance of daughters, in case there were no sons, is late, and it will not be doubted that the custom, though we have no law concerning it, where the inheritance reverts to the widowed mother in case of the death of her sons who leave no offspring is also late; and that it is certainly out of accord with the custom where the Goël and heir is also obliged to the Levirate. We have here two mutually exclusive customs of inheritance. Thus we are also from this side compelled to say that the Levirate idea did not belong originally to the story and formed, therefore, no part of the G^e'ullāh according to the author of the book.¹⁰

⁹ The inheritance would have to be divided among the children of both wives.

¹⁰ Compare also my article on "Zur Litterarkritik des Buches Ruth" in *Theologische Studien und Kritiken*, 1903, Heft 3.